Docket No. GYN-5012



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel J. Smith, et al.

Serial No.: 10/699,045

Art Unit: 3731

Filed

: October 31, 2003

Examiner: N/A

For

: GUIDE FOR SURGICAL DEVICE FOR THE TREATMENT OF

URINARY INCONTINENCE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Melissa J. Szanto
(Name of applicant, assignee, or Registered Representative)

Melisse Jean to

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

- ☐ In accordance with \$1.129(a), this Information

 Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

 ☐ Statement in Accordance with \$1.97(e)

 (attached); or

 ☐ Please charge Deposit Account No. 10
 0750/ / the fee of \$180.00 as set forth in \$1.17(p).
- In accordance with \$1.97(c), this Information
 Disclosure Statement is being filed after the period set forth
 in \$1.97(b) above but before the mailing date of either a Final
 Action under \$1.113 or a Notice of Allowance under \$1.311, or
 an action that otherwise closes prosecution and that it is
 accompanied by one of:

| | | Statement in Accordance with \$1.97(e) |
|----------------|--------|--|
| | | (attached); or |
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| | | 0750/ / the fee of $$180.00$ as set forth |
| | | in §1.17(p). |
| | In ac | ccordance with §1.97(d), this Information |
| Disclosur | e Stat | tement is being filed after the mailing date of |
| either a | Final | Action under §1.113 or a Notice of Allowance |
| under §1 | .311 k | out before the payment of the Issue Fee. |
| | | ereby petition(s) for consideration of this |
| | | sclosure Statement. Included are: Statement in |
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| | | es of each of the references listed on the |
| attached | Form | PTO-1449 are enclosed herewith. |
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| 1449 are | enclo | sed herewith EXCEPT THAT: |
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| | | In view of the voluminous nature of references |
| | | [list as appropriate], and the likelihood that |
| | | these references are available to the Examiner, |
| | | copies are not enclosed herewith. |
| | | If any of the foregoing publications are not |
| | L | available to the Examiner, Applicant will |
| | | endeavor to supply copies at the Examiner's |
| | | |
| | | request. |
| 127 | Coni | es of only foreign patent documents and non- |
| ⊠ natant li | _ | ure are enclosed in accordance with 37 CFR 1.98 |
| | | U.S. patents and each U.S. patent application |
| (a) (2). | | sted on the attached Form PTO-1449 are not |
| publicati | ron 11 | Seed on the accaoned roam fro from the |
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enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the M English language. The relevance of those listed references which are not in the English language is as follows: Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Attached are the following non-published pending П patent applications which may be deemed relevant, which are

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GYN-5012/MJS. This form is submitted in triplicate.

listed on the attached Submission Under MPEP 609 D.

Respectfully submitted,

Reg. No. 40/834

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-1365 12/13/04

DATED:



PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 2

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| 10/699,045 |
| October 31, 2003 |
| Daniel J. Smith, et al. |
| 3731 |
| N/A |
| GYN-5012 |
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| Examiner Initials | Cite | U.S. Patent Document Kind Code ² Number (if known) | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear |
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| | J | | | FIGN PATENT DOCUMENTS | | |

| Examiner Initials | | Foreign Patent Document Office ³ Number ⁴ KindCode ⁵ | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear | T ⁶ |
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¹ Unique citation designation number, 2 See attached Kinds of U.S. Patent Documents, 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3), 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document, 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible, 6 Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 2 of 2

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|--|----------------------------|
| Application Number | 10/699,045 |
| Filing Date | October 31, 2003 |
| First Named Inventor | Daniel J. Smith, et al. |
| Group Art Unit | 3731 |
| Examiner Name | N/A |
| Attorney Docket Number | GYN-5012 |
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| | | OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | |
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| Examiner's | Cite | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T² |
| | | NICKEL, R.F. et al., "Evaulation of a Transpelvic Sling Procedure With and Without Colorsuspension for Treatment of Female Dogs With Refractory Urethral Sphincter | |
| | | Mechanism Incompetence," Veterinary Surgery 27:94-101 (1998). | |
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